

FILED IN U.S. DISTRICT COURT  
U.S.D.C.  
*Deno*  
OCT 30 2003  
LAWRENCE D. THOMAS, Clerk  
*B. Pickard*  
Deputy Clerk

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

IN RE: TRI-STATE  
CREMATORIAL LITIGATION

MDL DOCKET NO. 1467

THIS ORDER RELATES TO:

ALL CASES

**ORDER APPOINTING RUST CONSULTING, INC. AS CLAIMS  
ADMINISTRATOR OF PARTIAL SETTLEMENT WITH BUCKNER-  
RUSH FUNERAL HOME DEFENDANTS AND PUTNAM FUNERAL  
HOME, INC. AND AUTHORIZING CREATION OF ACCOUNT  
WITH BRANCH BANKING AND TRUST COMPANY**

It appearing that Plaintiffs' Liaison counsel and counsel for Funeral Home Defendants Buckner-Rush Enterprises, Inc., Prime Succession, Inc., Prime Succession Holdings, Inc., and Prime Succession of Tennessee, Inc. (collectively hereinafter, "Buckner-Rush Defendants") along with counsel for Funeral Home Defendant Putnam Funeral Home, Inc., dba Putnam-Reed Funeral Home and Putnam-Standefer-Reed Funeral Home consent to the appointment of Rust Consulting, Inc. as Claims Administrator for the partial settlements referenced in this Court's Order of October 17, 2003, with all costs of administration to be paid by the Buckner-Rush

Defendants and Putnam Funeral Home, Inc. on a *pro-rata*, per decedent basis, and it further appearing that the settling parties hereto, along with the Court, prefer that all settlement funds should be deposited initially into an appropriate financial institution within the geographic boundaries of the Northern District of Georgia, Rome Division,

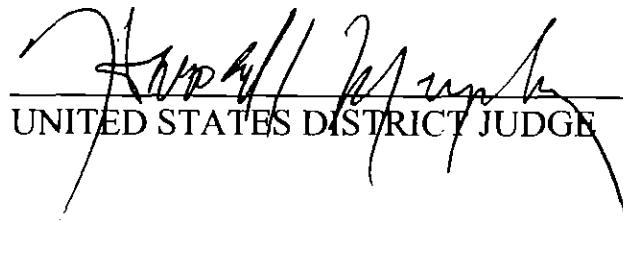
Accordingly, IT IS HEREBY ORDERED that

1. Rust Consulting, Inc. shall be appointed as Claims Administrator for the partial settlements referenced in this Court's Order of October 17, 2003, with all costs of administration, including, but not limited to, claim form processing, printing and mailing checks, and related services to be paid by the Buckner-Rush Defendants and Putnam Funeral Home, Inc. on a *pro-rata*, per decedent basis, as submitted.

2. Plaintiff's Liaison counsel forthwith shall cause two (2) separate accounts to be opened with Branch Banking and Trust (BB&T) in Dalton, Georgia, as follows: "*Tri State Crematory Buckner-Rush Settlement Fund*," which shall bear the Federal Tax Identification Number: 20-0316792 and "*Tri State Crematory Putnam Settlement Fund*," which shall bear the Federal Tax Identification number: 20-0316809. All interest earned thereon, after payment of applicable bank fees, if any, applicable Federal and State taxes, and any applicable accounting fees, shall inure to

the benefit of the applicable settling sub-class members. Plaintiff's Liaison Counsel shall provide wiring or delivery instructions to counsel for the Buckner-Rush defendants and to counsel for Putnam Funeral Home, Inc. and shall confirm receipt of all funds to this Court and to counsel for the settling parties. Said funds shall be placed in the BB&T US Treasury Money Market Fund unless otherwise directed by this Court. After December 4, 2003, if this Court shall grant final approval thereof, upon joint written instruction from Plaintiff's Liaison Counsel and Rust Consulting, Inc., said funds, or a portion thereof, may be distributed to another qualified financial institution, as directed. Plaintiff's Liaison Counsel and an authorized Representative of Rust Consulting, Inc. shall serve as joint signatories upon said accounts, with dual control required for anyaction.

IT IS SO ORDERED, this the 30<sup>th</sup> day of October, 2003.



UNITED STATES DISTRICT JUDGE

A handwritten signature in black ink, appearing to read "Howard W. Murphy", is written over a horizontal line. Below the line, the words "UNITED STATES DISTRICT JUDGE" are printed in capital letters.